

Also, a telephonic interview with Examiner Kim has revealed that the Examiner is concerned that certain references -- US 5,303,343 (Ohya et al.) and US 5,471,318 (Ahuja et al.) -- could impact the patentability of this application. Applicants do not agree that these references do, and comment to that effect below:

Discussion

This patent application has two independent claims -- apparatus claim 28 and method claim 24. The patentability issues for both independent claims are similar.

Ohya does not teach all the claimed invention.

The Ohya et al. reference teaches a multimedia store-and-forward apparatus which, according to the patent, is able to convert data from one type to and to transmit the converted data to a destination terminal.

More specifically, Ohya teaches a situation where one of three possible types of "data signals" can be transmitted. These are voice, picture and "character" data. According to the patent, when data signals of a certain kind (audio, picture, character) must be transmitted to a destination, the system checks the availability of a line capable of transmitting that specific data type. If an appropriate line is available, the system transmits that data along that line. Hence voice, picture and character data are all transmitted on individually configured lines.

But, according to the patent, if an appropriate line is not available, the data of one type is converted to data of another type -- a type for which an appropriate line is available. This converted data is then transmitted to the destination via an appropriate line. Thus, according to the patent, if picture data is to be transmitted but no picture data line is available, the picture data can be converted to either audio or character data. Similarly if character data is to be transmitted, but only a picture data line is available, the character data is converted to picture data and then transmitted. Although, this is described with reference to figure 5, at col. 7 ln. 30 to col. 8, ln. 46 of the patent, absolutely no teaching that this could be done in a conferencing mode is given. Indeed, it offers that this "technology" could not be applied in real-time conferencing. Nevertheless, the Applicants comment further below.

The claimed invention differs is not anticipated nor rendered obvious by this reference. First, it is not clear from the reference or from any other art how "picture data" can be converted to character data and thereafter transmitted and reproduced by the Ohya system. In fact, it is not believed that any technology exists to take a video image and convert it into readable character data. Nor, for that matter, does technology exist that can take character data and convert it into meaningful audio or video data.

Further, there is no indication that the technology can be used in real-time video conferencing where both synchronous and asynchronous data signals must be exchanged in a real-time environment. It is strongly submitted that there is nothing in the Ohya reference to indicate how

this technology can be used in a real time, multiparty conferencing environment. In fact, it is believed that it is impossible to use the Ohya teaching in such a real-time environment. Thus there is nothing to lead one skilled in the art toward the claimed solution. In fact, the technological incompatibility and inoperabilities would lead one away from the claimed solution.

Accordingly, it is believed that the Ohya reference neither anticipates nor renders obvious the claimed invention.

The Examiner has also drawn applicant's attention to the Ahuja et al. (US patent 5,471,318). Although the applicants do not believe that this reference anticipates nor renders obvious the claimed invention, the Ahuja reference was filed less than six months prior to the effective filing date of this application and can, should this be necessary, be dealt with by a swearing behind affidavit under 37 CFR Rule 1131. In any event, the Ahuja reference does not teach nor suggest many of the elements in the independent claims.

For all the above reasons, therefore, Applicants, submit that the burden of showing *prima facie* obviousness has not and cannot be met. Accordingly, Applicants, request allowance of this application at the Examiner's earliest convenience. Should the Examiner believe a further

Preliminary Amendment

Docket: VCOR-001/05US

conference will expedite the allowance of this application, contact with the undersigned is requested.

Respectfully submitted,



CRAIG P. OPPERMAN
Reg. No. 371078

Cooley Godward LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Telephone: (415) 843-5000
Facsimile: (415) 857-0663

21179585
041597

14.